

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD BRADDOCK,

Plaintiff,

vs.

ZAYCON FOODS, LLC, a Washington
limited liability company; FRANK R.
MARESCA, JANE DOE MARESCA and the
marital community composed thereof;
MICHAEL GIUNTA, JANE DOE GIUNTA
and the marital community composed thereof;
MIKE CONRAD, JANE DOE CONRAD and
the marital community composed thereof; and
ADAM KREMIN, JANE DOE KREMIN and
the marital community composed thereof,

Defendants.

No. 2:16-cv-01756-TSZ

**STIPULATED MOTION AND ORDER
TO CONTINUE TRIAL DATE AND
EXISTING PRETRIAL DEADLINES**

1 **STIPULATION**

2 Plaintiff Richard Braddock, and Defendants Zaycon Foods, LLC, Frank R. Maresca,
3 Michael Giunta, Mike Conrad, and Adam Kremin (collectively, the “Parties”), by and through their
4 attorneys of record, pursuant to LCR 7(d)(1) and LCR 10(g), submit this Stipulated Motion to
5 Continue Trial Date and Existing Pretrial Deadlines (the “Stipulation”).

6 The Parties stipulate to and jointly request an order continuing the current January 22, 2019
7 trial date, pretrial conference, and remaining pretrial deadlines until after the Court enters its
8 decisions on the Parties’ pending summary judgment motions. Dkt. #s 119, 124. The Parties also
9 request that the Court schedule a status conference after the Court’s decisions to schedule trial and
10 reset the remaining pretrial deadlines.

11 **BACKGROUND**

12 By its Minute Order setting trial and pretrial deadlines entered on May 29, 2018, Dkt. # 91,
13 the Court set this matter for trial on January 22, 2019, and established a case schedule of pretrial
14 deadlines based on that trial date.

15 The Parties believe there is good cause for seeking a continuance of the trial date, pretrial
16 conference, and pretrial deadlines. Accordingly, the Parties stipulate to and jointly move the Court
17 for an order continuing the trial date and existing pretrial deadlines until after the Court enters
18 decisions on the Parties’ respective summary judgment motions. Dkt. #s 119, 124. The remaining
19 pretrial deadlines are currently set as follows:

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|----|--|-----------------------------|
| 20 | • Motions in limine filing deadline | December 20, 2018 |
| 21 | • Agreed pretrial order deadline | January 4, 2019 |
| 22 | • Trial briefs deadline | January 4, 2019 |
| 23 | • Proposed finding of fact and conclusions | January 7, 2019 |
| 24 | of law, and designations of deposition | |
| 25 | testimony deadline | |
| 26 | • Pretrial conference | January 11, 2019, 2:00 p.m. |
| 27 | | |

DISCUSSION

The Parties have conferred and submit this stipulated motion in good faith.

At the outset of this action, the Parties moved to extend the trial date to allow additional time to complete discovery in this matter and in a related matter involving an insurance coverage dispute, among other reasons. Dkt. # 47. The Parties moved to extend the trial a second time to facilitate a “pencils down” stay of 90 days to concentrate efforts and resources on a potential settlement structure. Dkt. # 83. The Parties sought the extension after Plaintiff filed his First Amended Complaint and after the Court struck Defendants’ Partial Motion for Summary Judgment without prejudice with leave to refile. Dkt. # 74.

The Parties have completed discovery and each side has moved for summary judgment on numerous claims. *See* Dkt. #s 119, 124. On October 24, 2018, Defendants Frank Maresca, Michael Giunta, Mike Conrad, and Adam Kremin (the “Individual Defendants”) filed a motion for summary judgment on all claims against them. Dkt. # 119. On October 25, 2018, Plaintiff filed a partial summary judgment motion against all Defendants on his breach of contract claim and on Zaycon Foods, LLC’s declaratory judgment counterclaim. Dkt. # 124.

Under the current schedule, the Parties must oppose each other’s summary judgment motions on November 12, 2018, and replies in support thereof are due on November 16, 2018. Concurrently with the filing of this Stipulation, however, the Parties have jointly moved the Court to continue those deadlines by three weeks to accommodate counsels’ competing professional obligations and travel schedules around the Thanksgiving holiday. If the Court grants the Parties’ joint request to extend the opposition and reply deadlines, the Court will not be able to decide the Parties’ dispositive motions until sometime after December 7, 2018. Even under the current schedule, the Parties would need to begin preparing for trial while the motions are under advisement.

Accordingly, the Parties have conferred with each other and, in the interest of conserving the Parties’ and the Court’s resources, respectfully request that the Court continue the January 22,

1 2019 trial, the January 11, 2019 pretrial conference,¹ and the remaining pretrial deadlines until
2 after the Court enters its decisions. Otherwise, the Parties would need to incur substantial expense
3 to analyze and prepare motions in limine, trial briefs, and confer on the agreed pretrial order, among
4 other things, to prepare for trial on issues that may no longer be relevant after the Court enters its
5 decisions. Continuing the trial date may also conserve judicial resources because the Parties will
6 be in a much better position to reengage in settlement discussions once the Court has decided the
7 pending dispositive motions.

8 For these reasons, the Parties believe there is good cause for continuing the trial date and
9 related pretrial deadlines until after the dispositive motions are decided. The Parties respectfully
10 submit that the requested continuance is in the best interest of all Parties and the Court.

11 AGREED TO AND STIPULATED this 5th day of November, 2018.

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¹ Alternatively, the Parties are amenable to reserving this date as a status conference date in the event the Court has decided the pending summary judgment motions by then.

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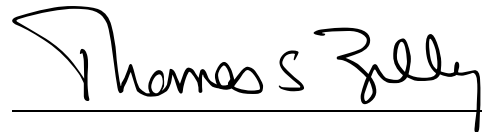
ORDER

Based on the stipulation of the Parties, the Court finds good cause exists to continue the January 22, 2019, trial date and the remaining pretrial deadlines, as set forth in Dkt. # 91, until the Court enters its decisions on the Parties' respective pending summary judgment motions, Dkt. #s 119, 124.

After the Court enters orders on the pending summary judgment motions, the Court will set a status conference to set a new trial date and reset the remaining pretrial deadlines.

IT IS SO ORDERED.

Dated this 7th day of November, 2018.



Thomas S. Zilly
United States District Judge

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